UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,998	12/07/2000	Bruce Leroy Beukema	AUS9-2000-0546-US1	1602

35525 7590 06/19/2006

IBM CORP (YA)
C/O YEE & ASSOCIATES PC
P.O. BOX 802333
DALLAS, TX 75380

EXAMINER	
HUYNH, KIM T	

ART UNIT	PAPER NUMBER
2112	

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JUN 15 2006

Technology Center 2100

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/731,998
Filing Date: December 07, 2000
Appellant(s): BEUKEMA ET AL.

Duke W. Yee (Reg. No. 34,285)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on 26th of April 2005.

(1) Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The brief does not contain a statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief. Therefore, it is presumed that there are none. The Board, however, may exercise its discretion to require an explicit statement as to the existence of any related appeals and interferences.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of invention contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Prior Art of Record

Pub. No US20020026517 Watson, JR 6-2001

US Patent 6,108,739 James et al. 4-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1. Claims 1-6, 8-18, 20-29, 31-41, 43-52, 54-64, 66-69 rejected under 35 U.S.C. 102(e) as being anticipated by Watson, JR. (Pub. No US20020026517)

As per claims 1, 24 and 47 Watson discloses a method for processing foreign protocol requests across a system area network, the method comprising:

- a receiving a request from a device utilizing a protocol which is foreign to a protocol utilized by the system area network; [0004-0005]
- encapsulating the request in a data packet formatted for the protocol utilized by the system area network; and [0042-0043]
- sending the data packet to a requested node via the system area network fabric. [0005]

As per claims 2, 25, 48 Watson discloses wherein the request is a first request, the data packet is a first data packet, and the sending the data packet comprises sending the data packet on a first virtual lane, and further comprising:

- receiving a second request from a device utilizing a protocol which is foreign to the protocol utilized by the system area network; [0004]
- encapsulating the second request in a second data packet formatted for the protocol utilized by the system area network; and [0042-0043]

- responsive to a determination that the first and second requests are to be kept in order, sending the second data packet to a requested node via the first virtual lane on the system area network fabric. [0041]

As per claims 3, 26, 49 Watson discloses wherein the request is a first request, the data packet is a first data packet, and sending the data packet comprises sending the data packet on a first virtual lane, and further comprising:

- receiving a second request from a device utilizing a protocol which is foreign to the protocol utilized by the system area network; [0004]
- encapsulating the second request in a second data packet formatted for the protocol utilized by the system area network; and [0042-0043]
- responsive to a determination that the first and second requests should be able to bypass the other, sending the second data packet to a requested node via a second virtual lane on the system area network fabric. [0044]

As per claims 4, 27, 50, Watson discloses wherein the request is an interrupt received by a target channel adapter and further comprising: [0014]

- receiving the data packet, at a host channel adapter, and decoding the data packet to retrieve the interrupt; and [0041]
- interrupting the processor. [0041]

As per claims 8, 31, 54, Watson discloses the method further comprising:

- receiving, at the requested node, the data packet;[0004]
- decoding the data packet to obtain the foreign protocol request; and [0041]

- transmitting the foreign protocol request to an appropriate device. [0041]

As per claims 9, 32, 55, Watson discloses wherein the steps of receiving a request, encapsulating the request, and sending the data packet are performed by a host channel adapter. [0041]

As per claims 10, 33, 56, Watson discloses wherein the requested node is a target channel adapter. [0042]

As per claims 11, 34, 57, Watson discloses wherein the steps of receiving, at the requested node, the data packet, decoding the data packet, and transmitting the foreign protocol request are performed by a target channel adapter. [0041-0042]

As per claims 12, 35, 58, Watson discloses wherein the steps of receiving, at the requested node, the data packet, decoding the data packet, and transmitting the foreign protocol request are performed by a host channel adapter. [0041-0042]

As per claims 13, 36, 59, Watson discloses wherein the step of transmitting the foreign protocol request comprises converting the request to an appropriate host transaction. [0041-0042]

As per claims 14, 37, 60, Watson discloses wherein the steps of receiving a request, encapsulating the request, and sending the data packet are performed by a target channel adapter. [0041-0042]

As per claims 15, 38, 61, Watson discloses wherein the requested node is a host channel adapter. [0041-0042]

As per claims 16, 39, 62, Watson discloses wherein the step of encapsulating the foreign protocol request comprises placing the request into a data packet with

appropriate headers and trailers in the data packet to ensure that the data packet is delivered across the system area network fabric to the requested node. [0041-0043]

As per claims 17, 40, 63, Watson discloses wherein the step of decoding the data packet comprises determining that the data packet contains a foreign protocol request and removing the foreign protocol request from the data packet. [0041-0043]

As per claims 18, 41, 64, Watson discloses a method for processing foreign protocol requests across a system area network, the method comprising:

- receiving a data packet from a system area network fabric, wherein the data packet is formatted for a protocol used by the system area network;[0004], [0041-0043]
- determining that the data packet contains an encapsulated foreign protocol transmission; [0041-0043]
- decoding the data packet to obtain the foreign protocol transmission; and [0041]
- sending the foreign protocol transmission to a requested device. [0005]

As per claims 20, 43, 66, Watson discloses wherein the requested device is an input/output adapter. [0026]

As per claims 21, 44, 67, Watson discloses wherein the steps of receiving, determining, decoding, and sending are performed by a target channel adapter. [0041-0042]

As per claims 22, 45, 68, Watson discloses wherein the steps of receiving, determining, decoding, and sending are performed by a host channel adapter. [0041-0042]

As per claims 23, 46, 69, Watson discloses wherein the step of sending comprises converting the foreign protocol request to an appropriate host transaction. [0041-0042]

As per claims 5, 28, 51, Watson discloses a method for processing foreign protocol requests across a system area network, the method comprising:

- Receiving a request from a device utilizing a protocol which is foreign to a protocol utilized by the system area network, wherein the request is an interrupt received by a target channel adapter; [0004-0005]
- Encapsulating the request in a first data packet; [0041]
- Sending the first data packet to a requested node via the system area network fabric;[0005]
- Receiving the data packet, at a host channel adapter, and decoding the data packet to retrieve the interrupt;[0041-0042]
- Interrupting the processor;[0041]
- Receiving, at the host channel adapter, and end of the interrupt instruction;[0041-0042]
- Encapsulating the end of interrupt instruction into a second data packet; and [0041-0042]

- Transmitting the second data packet to the target channel adapter via the system area network fabric.[0044]

As per claims 6, 29, 52, Watson discloses the method further comprising:

- Receiving the second data packet;[0041]
- decoding the second data packet to determine that the interrupt is complete. [0041], wherein sequence the data packets inherently implies 1st is complete decode the 2nd packet.

2. Claims 7, 30, 53, 19, 42, and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watson, JR. (Pub. No US 20020026517) in view of James et al. (US Patent 6,108,739)

Watson discloses all the limitations as above except the foreign protocol is a peripheral component interconnect bus protocol. However, James discloses PCI bus protocol. (col.21, lines 15-27)

It would have been obvious to one having ordinary skills in the art at the time the invention was made to incorporate James's teaching into Watson's method to have PCI bus protocol so as to be a fast speed and so as to be compatible with latest advancements in the computer system.

(10) Response to Argument

Appellant's brief filed on 4/26/05 have been fully considered but does not place the application in condition for allowance.

a. Appellants urge that the filing date (June 29, 2001) of the cited Watson reference does not predate the filing date (December 7, 2000) of the present application. Appellants argue that the Examiner is relying on the provisional application filing date of June 30, 2000 of Watson in making the 35USC102(e) rejection, the Examiner failed to establish that such a provisional application is fully supported under the first paragraph of 35USC112(with respect to subject matter of the US20020026517 reference that is being used in rejecting the claimed subject matter), and thus the Examiner has not met their burden in order to use the date of such provisional application.

Examiner respectfully disagrees. Per MPEP 901.03, discloses "under amended 35USC 102(e), a US Patent application publication is considered to be prior art as of the earliest effective US filing date of the published application". In this case the US20020026517 reference, the earliest effective US filing date of this published application is June 30, 2000(the provisional application 60/215,774). In addition, the provisional application (60/215,774) is fully supported under the first paragraph of 35USC112 with respect to the subject matter of the US20020026517 reference that is being used in rejection the claimed subject matter. In particularly, the Examiner relies on the embodiments of figures 8 and 9 and paragraph [0041-0043] of US20020026517 publication, encapsulated data packets and converting data into standard protocol and transmitted and vice versa. The provisional application 60/215,774 provides the appropriate figures and supporting the disclosures (page 9, lines 16-24, figures 8 and 9). It is clear that Walson reference has meet the Appellants' application filling date

(December 7, 2000). Thus, it is properly stated in the rejection of record and Appellants' position is not seen to be persuasive towards patentability. It is noted that the Appellants may access the provisional application on the public pair, and that the Examiner is not required to provide a copy since it is readily accessible.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully Submitted,

Cel/
June 5, 2006
Kim T. Huynh
Patent Examiner
AU 2112

Conferee(s)

REHANA PERVEEN
SUPERVISORY PATENT EXAMINER
6/5/06

LYNNE H. BROWNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100